

The plaintiff objects that her deposition was not used at trial or in support of a motion for summary judgment. True enough, but it was used in support of the defendant's motion to dismiss, which successfully sought sanctions for the plaintiff's intentional destruction of relevant evidence. Moreover, as the complaining party and thus a critical witness, the plaintiff's deposition is as appropriately taxed as that of persons on the plaintiff's witness list.

The plaintiff notes that she voluntarily dismissed her case since she could not pay the defendant's attorney's fees imposed as a sanction and that she is similarly unable to pay costs. As a threshold matter, the Court has already entered judgment awarding costs, and the plaintiff has not attempted to fit within the narrow window for amending such a judgment. At any rate, while "a non-prevailing party's financial status is a factor that a district court may, but need not, consider in its award of costs pursuant to Rule 54(d)," the Court "should require substantial documentation of a true inability to pay." *Chapman v. Al Transport*, 229 F.3d 1012, 1039 (11th Cir. 2000) (en banc). The plaintiff has provided no such documentation.

For the reasons set forth above, the defendant's motion to re-tax costs is **granted**. The plaintiff is taxed costs in the amount of \$1,586.40.

DONE and ORDERED this 14th day of March, 2012.

s/ WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE